644182- 25

STATE OF LOUISIANA, THROUGH DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

VERSUS

EDWARD J. OUGEL AND KELLIE M. DOMINIQUE

NUMBER_____ DIV.___

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

PETITION

The petition of the State of Louisiana, through Department of Transportation & Development (hereafter referred to as "the Department"), created under and by virtue of the laws of the State of Louisiana, and domiciled in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana, respectfully represents that:

1.

Made defendants herein are:

I. **EDWARD J. OUGEL** (hereafter "Ougel"), a major person domiciled in the City of Baton Rouge, State of Louisiana, who was the owner of the motor vehicle in question on December 3, 2014; and

II. **KELLIE M. DOMINIQUE** (hereafter "Dominique"), a major person domiciled in the City of Baton Rouge, State of Louisiana, who was the driver of the motor vehicle in question on December 3, 2014.

FILED
EAST BATON ROUGE PARISH, LA
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DEPUTY CLERK OF COURT

2.

Petitioner shows that, based on information and belief, the above named defendants are justly and truly indebted, jointly and in solido, to your petitioner for such damages as are reasonable in the premises, together with legal interest thereon from date of judicial demand, until paid, and for all costs of these proceedings.

3.

On or about December 3, 2014, the motor vehicle "2001 Volkswagon CC 2.0T", VIN #: WVWMP7AN9BE719379, that is owned by defendant OUGEL, and operated by defendant DOMINIQUE, was traveling North on I-110, 500 feet from the Evangeline Exit ramp in the City

of Baton Rouge, in East Baton Rouge Parish, when DOMINIQUE claimed that she was cut off by a phantom vehicle and caused the vehicle to collided with, and caused damage to, a portion the traffic attenuator as well as the guard rail, with said Attenuator and its appurtenances being under the jurisdiction of the Department and owned by the State of Louisiana.

4.

Under the laws of the State of Louisiana, the construction, maintenance, and repair of the public state highways of the State of Louisiana, and the maintenance and repair of attenuators and guard rails, including the subject structural damage to the Attenuator and Guard Rail, at the location referred to above, are functions of your petitioner.

5.

As a result of the accident, the Department is required to repair the structural damage to the Attenuator/Guard Rail of the subject roadway.

6.

The accident and resulting damages was caused by the negligence of defendant DOMINIQUE in the following particular, but not necessarily exclusive respects:

1. In failing to keep a proper lookout;
2. In failing to keep proper control of said motor vehicle and failing to take the proper evasive action to avoid the resulting collision;
3. In failing to stop or slow the motor vehicle in time to avoid the resulting collision;
4. In operating said motor vehicle in a generally careless manner without due regard for the property of others; and
5. Any and all other acts and omissions which will be shown at the trial of this matter.

7.

Petitioner alleges on information and belief that at the time of the accident sued upon, defendant DOMINIQUE was employed by, or on a mission for defendant OUGEL, or in the alternative, was in charge of driving the motor vehicle involved in said accident with the authorization, permission, and consent of defendant OUGEL.

8.

Under the provisions of La. R.S. 13:4521, petitioner herein is entitled to file and prosecute this suit without the payment of costs of Court in advance or as the same accrue and without the necessity of advancing costs, bond, or surety therefore.

9.

Petitioner alleges amicable demand has been made to no avail.

WHEREFORE, petitioner prays that:

1. A certified copy of the above and foregoing pleading be served upon the defendants and they be cited to appear and defend this lawsuit; and
2. After all legal delays have expired and due proceedings had, there be judgment herein in favor of petitioner, the DEPARTMENT, and against the defendants, EDWARD J. OUGEL and KELLIE M. DOMINIQUE, for such damages as are reasonable in the premises, together with legal interest thereon from date of judicial demand, until paid, for all costs of these proceedings.

RESPECTFULLY SUBMITTED:

LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT
OFFICE OF THE GENERAL COUNSEL

BY: _____
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